

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CARL LAPRA PRADIA, JR.,  
Plaintiff,  
v.  
A. BECERRA, et al.,  
Defendants.

Case No. 1:20-cv-01348-NONE-JLT (PC)

**FINDINGS AND RECOMMENDATIONS  
TO DENY PLAINTIFF'S MOTION FOR  
DEFAULT JUDGMENT**

(Doc. 16)

14-DAY DEADLINE

Plaintiff has filed a motion for a default judgment. (Doc. 16.) Plaintiff's motion is premature. The Court directed service of process on Defendants on August 24, 2021, (Doc. 13); however, Defendants have not yet been served. On November 1, 2021, CDCR filed a notice of intent to waive service on Defendants' behalf. (Doc. 18.) Pursuant to the Court's order directing service, Defendants have 60 days from November 1 to file an answer to the complaint. (*See* Doc. 13 at 2.)

Accordingly, the Court RECOMMENDS that Plaintiff's motion for a default judgment be DENIED as premature. These Findings and Recommendations will be submitted to the United States District Judge assigned to this case, pursuant to 28 U.S.C. § 636(b)(1). Within 14 days of the date of service of these Findings and Recommendations, Plaintiff may file written objections with the Court. The document should be captioned, "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections within the specified time may result in waiver

1 of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v.*  
2 *Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

3  
4 IT IS SO ORDERED.

5 Dated: November 1, 2021

/s/ Jennifer L. Thurston  
CHIEF UNITED STATES MAGISTRATE JUDGE